

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

MARTIN SHKRELI AND EVAN GREEBEL,

Defendants.
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:
: ECF Case
:

:
: No. 15-CR-00637 (KAM)
:

: **ORAL ARGUMENT REQUESTED**
: **AND SCHEDULED FOR APRIL 7,**
: **2017**
:

DECLARATION OF LISA H. RUBIN IN SUPPORT OF MR. GREEBEL'S MOTION
FOR SEVERANCE

I, Lisa H. Rubin, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am Of Counsel with the law firm of Gibson Dunn & Crutcher LLP and licensed to practice law in the State of New York. I also am a member of the bar of this Court. I make this declaration in support of Mr. Greebel's Motion for Severance based on my personal knowledge of the facts stated herein and a review of my firm's files.

2. Attached to the Memorandum of Law in support of Mr. Greebel's Motion for Severance is an appendix ("Appendix A") listing and attaching approximately 75 news articles, and social media posts, such as video and audio recordings, reflecting statements made by Mr. Shkreli immediately preceding and after his December 17, 2015 arrest.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Memorandum of Decision and Order Granting Severance in *United States v. Aronson*, No. 2:12-cr-00245 (ADS) (E.D.N.Y. May 23, 2013), ECF No. 167.

4. Attached hereto as Exhibit 2 is a true and correct copy of an October 13, 2011 email exchange between Martin Shkreli and Evan Greebel and forwarded to another Katten

Muchin Rosenman LLP (“Katten Muchin”) attorney on the same date, and as provided with the Bates stamp KAT_0110165-66 and withheld from the public filing due to Mr. Shkreli’s inclusion of the document on his privilege log.

5. Attached hereto as Exhibit 3 is a true and correct copy of a December 14, 2012 through December 15, 2012 email exchange between Mr. Shkreli and Steve Richardson, as produced in discovery with the Bates stamp SR001295 and redacted to protect Mr. Richardson’s personal information.

6. Attached hereto as Exhibit 4 is a true and correct copy of a December 17, 2012 email exchange between Mr. Shkreli and Mr. Richardson, as produced in discovery with the Bates stamp SR001302 and redacted to protect Mr. Richardson’s personal information.

7. Attached hereto as Exhibit 5 is a true and correct copy of a February 7, 2013 email exchange between Mr. Greebel and Mr. Shkreli, as produced in discovery with the Bates stamp R049805-08.

8. Attached hereto as Exhibit 6 is a true and correct copy of a February 11, 2014 email exchange between Mr. Shkreli, Mr. Greebel, and another Katten Muchin partner, as provided with the Bates stamp KAT_0074929 and withheld from the public filing due to Mr. Shkreli’s inclusion of the document on his privilege log.

9. Attached hereto as Exhibit 7 is a true and correct copy of a statement from Bank of America relating to an account held in the name of MSMB Healthcare LP and concerning the period from May 1, 2015 through May 31, 2015, as produced in discovery with the Bates stamp BOA-000153-158 and redacted to protect financial account information.

10. Attached hereto as Exhibit 8 is a true and correct copy of a statement from Bank of America relating to an account held in the name of MSMB Healthcare LP and concerning the

period from November 1, 2015 to November 30, 2015, as produced in discovery with the Bates stamp BOA-000181-184 and redacted to protect financial account information.

11. Attached hereto as Exhibit 9 is a true and correct copy of a March 30, 2011 through March 31, 2011 email exchange between Mr. Shkreli and Kevin Mulleady, as produced in discovery with the Bates stamp R021202-03 and redacted to protect Mr. Shkreli's personal information.

12. Attached hereto as Exhibit 10 is a true and correct copy of an article by Peter J. Henning, entitled "In Shkreli Case, a Company Lawyer May Have Crossed the Line", as published in *The New York Times*, dated December 21, 2015, and available at <https://www.nytimes.com/2015/12/22/business/dealbook/in-shkreli-case-a-company-lawyer-may-have-crossed-the-line.html>.

13. Attached hereto as Exhibit 11 is a true and correct copy of the Memorandum of Law in Support of Defendant Fredric Aaron's Motion for a Severance in *United States v. Aronson*, No. 2:12-cr-00245-ADS-GRB (E.D.N.Y. Feb. 8, 2013), ECF No. 146.

14. Attached hereto as Exhibit 12 is a true and correct copy of an article by David Crow entitled "Lunch with the Financial Times: Can Martin Shkreli Defend Corporate Greed?", as published in the *Financial Times*, dated November 3, 2016, and available at <https://www.ft.com/content/693ad306-9b6d-11e6-8f9b-70e3cabccfae>.

15. Attached hereto as Exhibit 13 is a true and correct copy of a Federal Bureau of Investigation report, dated February 11, 2015, concerning Mr. Shkreli's statements to the Bureau on or around January 29, 2015, as produced in discovery with the Bates stamp SHKRELI 000002-9 and redacted to protect Mr. Shkreli's personal information.

16. Attached hereto as Exhibit 14 is a true and correct copy of an article by Andrea Park, entitled “Martin Shkreli Beefs with Ghostface Killa, TMZ”, as published on cbsnews.com, dated January 29, 2016, and available at <http://www.cbsnews.com/news/martin-shkreli-beefs-with-ghostface-killah-tmz>.

17. Attached hereto as Exhibit 15 is a true and correct copy of an editorial entitled “Martin Shkreli’s Fall Is Cause for Rejoicing Left and Right”, as published in the *New York Post*, dated December 17, 2015, and available at <http://nypost.com/2015/12/17/martin-shkrelis-fall-is-cause-for-rejoicing-left-and-right>.

18. Attached hereto as Exhibit 16 is a true and correct copy of an article by John Schwartz, entitled “Loose Lips Sink Careers, Even for C.E.O.s”, as published in *The New York Times*, dated January 15, 2016, and available at <https://www.nytimes.com/2016/01/17/business/mutfund/loose-lips-sink-careers-even-for-ceos.html>.

19. Attached hereto as Exhibit 17 is a true and correct copy of an article by Jason Abbruzzese and Heidi Moore, entitled “Martin Shkreli’s Greatest Hits of His Absolute Worst Moments”, as published on mashable.com, dated December 17, 2015, and available at http://mashable.com/2015/12/17/martin-shkrelis-greatest-hits/#_BVDKkQyrGqb.

20. I understand that a Google search conducted earlier this month of the terms “Martin Shkreli” and “arrested”, performed on Mr. Greebel’s behalf, yielded nearly 250,000 hits. I further understand that a similar Google search conducted that same day of the terms “Evan Greebel” and “arrested”, also performed on Mr. Greebel’s behalf, resulted in fewer than 5,000 hits.

21. Attached hereto as Exhibit 18 is a true and correct copy of an article by Allie Conti, entitled “Wine, Wu-Tang, and Pharmaceuticals: Inside Martin Shkreli’s World”, as

published in *Vice*, dated January 27, 2016, and available at https://www.vice.com/en_us/article/why-is-martin-shkreli-still-talking.

22. Attached hereto as Exhibit 19 is a true and correct copy of an article by Meg Wagner, entitled “‘Pharma bro’ Martin Shkreli Plays Chess, Chats with OkCupid Dates During Bizarre Live Stream Day After Arrest”, as published in the *New York Daily News*, dated December 19, 2015, and available at <http://www.nydailynews.com/news/national/pharma-bro-martin-shkreli-hosts-post-arrest-live-stream-article-1.2471172>, from which reprinted copies bear the title “‘Pharma Bro’ Martin Shkreli Hosts Post-Arrest Live Stream”.

23. Attached hereto as Exhibit 20 is a true and correct copy of an article by Myka Fox, entitled “Martin Shkreli Is Going to Be Katy Perry’s ‘New Right-Wing Boyfriend?’ Ew”, as published on [someecards.com](http://www.someecards.com), dated November 9, 2016, and available at <http://www.someecards.com/entertainment/celebrities/martin-shkreli-offered-to-be-katy-perrys-bf-lily-allen>.

24. Attached hereto as Exhibit 21 is a true and correct copy of an article by David Mack, entitled “‘Pharma Bro’ Martin Shkreli Suspended From Twitter After Harassing a ‘Teen Vogue’ Writer”, as published on *Buzzfeed*, dated January 8, 2017, and available at https://www.buzzfeed.com/davidmack/martin-shkreli-suspended-from-twitter?utm_term=.doZL9L1ok#.bizn2nZEq.

25. Attached hereto as Exhibit 22 is a true and correct copy of an article by Taylor Lorenz, entitled “What It’s Like to Be Harassed by Martin Shkreli, the Most Hated Man in America”, as published on [mic.com](https://mic.com/articles/153076/martin-shkreli-attacked-me-on-twitter-taylor-lorenz), dated August 30, 2016, and available at <https://mic.com/articles/153076/martin-shkreli-attacked-me-on-twitter-taylor-lorenz>.

26. Attached hereto as Exhibit 23 is a true and correct copy of an article by Andy McDonald, entitled “Martin Shkreli Will Need Ointment After This Sick Burn from Colbert”, as

published in the *Huffington Post*, dated August 29, 2016, and available at http://www.huffingtonpost.com/entry/martin-shkreli-will-need-ointment-after-this-sick-burn-from-colbert_us_57c452d5e4b09cd22d9179d6.

27. Attached hereto as Exhibit 24 is a true and correct copy of an article by Nicole Hensley, entitled “Patton Oswalt Says 12-Year-Olds on ‘Skittles Rush’ Are Better Trolls Than Martin Shkreli During Twitter War”, as published in the *New York Daily News*, dated September 6, 2016, and available at <http://www.nydailynews.com/entertainment/gossip/pharma-bro-martin-shrekli-takes-patton-oswalt-twitter-war-article-1.2779341>, from which reprinted copies bear the title “Pharma Bro Martin Shkreli Takes on Patton Oswalt in Twitter War”.

28. Attached hereto as Exhibit 25 is a true and correct copy of an article by Nicole Bitette, entitled “‘Captain America’ Star Chris Evans Invokes the Wrath of Pharma Bro Martin Shkreli on Twitter: ‘I’ll f---ing destroy you. Pretty boy, s---for-brains’”, as published in the *New York Daily News*, dated September 7, 2016, and available at <http://www.nydailynews.com/entertainment/gossip/chris-evans-attacked-twitter-pharma-bro-martin-shkreli-article-1.2782313>, from which reprinted copies bear the title “Chris Evans Invokes the Wrath of Pharma Bro Martin Shkreli”.

29. Attached hereto as Exhibit 26 is a true and correct copy of an article by Paul Joseph Watson, entitled “Pharmaceutical Exec: Hillary Clinton Has Parkinson’s Disease”, as published on Infowars.com, dated August 8, 2016, and available at <http://www.infowars.com/pharmaceutical-exec-hillary-clinton-has-parkinsons-disease>.

30. Attached hereto as Exhibit 27 is a true and correct copy of an article by Eric Durkin and Jason Silverstein, entitled “Martin Shkreli Heckles Hillary Clinton as She Leaves Chelsea’s Home After Health Scare”, as published in the *New York Daily News*, dated September

11, 2016, and available at <http://www.nydailynews.com/news/national/martin-shkreli-heckles-hillary-clinton-daughter-home-article-1.2787500>, from which reprinted copies bear the title “Martin Shkreli Heckles Hillary Clinton Outside Chelsea’s Home”.

31. Attached hereto as Exhibit 28 is a true and correct copy of an article by Marisa Schultz and Bruce Golding, entitled ““Why Are You So Sick?’: Martin Shkreli Shows Up to Taunt Clinton”, as published in the *New York Post*, dated September 11, 2016, and available at <http://nypost.com/2016/09/11/why-are-you-so-sick-martin-shkreli-shows-up-to-taunt-clinton/>.

32. Attached hereto as Exhibit 29 is a true and correct copy of an article by Ron Dicker, entitled “Martin Shkreli Taunts Hillary Clinton, ‘Are You Alive?’”, as published in the *Huffington Post*, dated September 11, 2016, and available at http://www.huffingtonpost.com/entry/martin-shkreli-taunts-hillary-clinton-with-are-you-alive_us_57d67473e4b00642712e3605 and redacted to protect personal information.

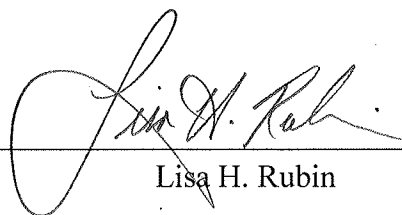
33. Attached hereto as Exhibit 30 is a true and correct copy of an article by Dianne de Guzman, entitled ““Pharma Bro’ Martin Shkreli Waits Outside Apartment, Heckles Hillary Clinton After Health Scare”, as published in SFGate, dated September 12, 2016, and available at <http://www.sfgate.com/news/article/Pharma-Bro-Shkreli-heckles-Hillary-Clinton-9216227.php>.

34. Attached hereto as Exhibit 31 is a true and correct copy of an article by Tom Michael, entitled ““WHY ARE YOU SO SICK?’ ‘Pharma Bro’ Martin Shkreli Trolls Hillary Clinton in Street After She Appeared to Collapse at 9/11 Memorial Event”, as published in *The Sun*, dated September 12, 2016, and available at <https://www.thesun.co.uk/news/1766247/pharma-bro-martin-shkreli-trolls-hillary-clinton-in-street-after-she-appeared-to-collapse-at-911-memorial-event>.

35. Attached hereto as Exhibit 32 is a true and correct copy of an article by Beth Shilliday, entitled "Pharmaceutical Tycoon Martin Shkreli Attacks Hillary Clinton: Tweets Private Email", as published in *Hollywood Life*, dated October 7, 2016, and available at <http://hollywoodlife.com/2016/10/07/martin-shkreli-tweets-hillary-clinton-personal-email-staff-private-contacts>, and as redacted to protect personal information purportedly belonging to Secretary Clinton.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: February 17, 2017
New York, New York



Lisa H. Rubin